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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 763/94.

Dt. of Decision : 23-8-94.

M.S.N. Murthy

.. Applicant.

VS

1. The Union of India, rep. by "Sena Mukhyalaya", Pramukh Engineer Shaka, Army Head quarters, Engineer's-in-Chief's, DRQ Branch, New Delhi - 110 001.
2. The Chief Engineer (MES), Southern Command, PUNE - 411 001.
3. The Director General, Naval Project, Visakhapatnam - 530 014. .. Respondents.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents: Mr. N.V.Ramana, Addl.CGSC.

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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- 2 -

OA 763/94.

Dt. of Order: 23-8-94.

(Order passed by Hon'ble Shri A.B.Gorthi,
Member (A)).

* * *

The claim of the applicant is for a direction to the Respondents to grant him pro-rata pensionary benefits for the service rendered under the Director General of Naval Project, Visakhapatnam, by giving him the benefit of confirmation retrospectively from 16-9-1969, when he was initially appointed.

M.E.S

2. The applicant joined in 1969 in M.E.S. in Director General Naval Project, Visakhapatnam, and was absorbed as Superintendent B/R Gr.II with effect from 16-9-71. While working thus, he applied for the post of Sr.Engineer (Civil) in Bharat Electronics Limited. His application was forwarded by the Director General Naval Project to Bharat Electronics Limited. On being selected by the later, he was finally relieved by the Director General Naval Project vide letter dt. 3-3-1984. The letter states that the applicant was relieved of his duties to take up the appointment of Sr.Engineer (Civil) in Bharat Electronics Limited. The question of retaining him on two years ^{with} ~~from~~ that Director General Naval Project was taken up for consideration by higher authorities.

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The applicant was confirmed in Bharat Electronics Limited with effect from 6-3-85.

3. Heard learned counsel for both the parties. Shri R.Ramakrishna Rao, learned counsel for the applicant has placed reliance on the judgment of this Tribunal in OA 894/87 on the file of the Bangalore Bench and OA 559/91 and OA 573/91 decided by this Bench of the Tribunal on 28-1-94. In ~~this~~ ^{the aforementioned} case, the applicants joined the Military Engineering Service where they were made permanent with retrospective effect from 1-4-74, but the orders ^{were} issued in 1985, by ^{which} time the applicants left the Military Engineering Service and joined public sector undertakings.

4. Counter on behalf of the Respondents has been filed opposing the O.A. Learned counsel for the Respondents states that the request of the applicant was rejected by the Respondents for the reasons that the applicant was not a permanent employee of Director General Naval Project prior to his release. Shri Ramakrishna Rao, learned counsel for the applicant urged that there is no longer any differential on the ground whether an employee is permanent or temporary for the purpose of grant of pro-rata pension. Our attention has been drawn to Govt. of India, Department of Personnel & Administrative Reforms, OM No.28-10/84-Pension Unit, dt.29-8-84, wherein para-3 (a) (i) reads as

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- 4 -

under :-

"Where a Central Government employee borne on pensionable establishment is allowed to be absorbed in an autonomous body, the service rendered by him under the Government shall be allowed to be counted towards pension under the autonomous body irrespective of whether the employee was temporary or permanent in Government. The pensionary benefits will, however, accrue only if the temporary service is followed by confirmation. If he retires as a temporary employee in the autonomous body, he will get terminal benefits as are normally available to temporary employees under the Government. The same procedure will apply in the case of employees of the autonomous bodies who are permanently absorbed under the Central Government.

The Government/autonomous body will discharge its pension liability by paying in lump sum as a one-time payment, the pro-rata pension/service gratuity/terminal gratuity and DCRG for the service up to the date of absorption in the autonomous body/Government, as the case may be. Lump sum amount of the pro-rata pension will be determined with reference to commutation table laid down in CCS (Commutation of Pension) Rules, 1981, as amended from time to time."

From the above it would be apparent that where a Central Government Employee is allowed to be absorbed in an autonomous body, the service rendered by him under the Central Government shall be allowed to be / counted for pension

Copy to:

1. Sena Mukhyalaya, Pramukh Engineer Shaka,
Army Head Quarters, Engineer's in Chief,
DHQ Branch, New Delhi - 110 001.
2. The Chief Engineer (MES),
Southern Command, Pune - 411 001.
3. The Director General, Naval Project,
Visakhapatnam - 530 014.
4. One copy to Mr.S.Ramakrishna Rao, Advocate, C&T, Hyderabad.
5. One copy to Mr.N.V.Ramana, Addl.CGSC, C&T, Hyderabad.
6. One copy to Library, C&T, Hyderabad.
7. One spare copy.

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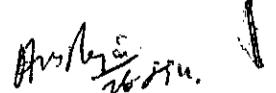
the Autonomous body irrespective of whether the employee
~~was~~ temporary or permanent in the Government. Although
The O.M. was dated 29-8-84, the benefit of the said O.M.
cannot, in my considered view, be denied to the appli-
cant although he was relieved from the Director General
Naval Project on 3-3-84. This is so because the appli-
cant was finally absorbed in Bharat Electronics Limited
only with effect from 6-3-85, after the date of promul-
gation of the O.M. referred to above.

5. In the result, the applicant will be entitled to the
grant of pro-rata pensionary benefits as applicable to
persons seeking employment under Public Sector Undertakings
in accordance with the extant orders. The Respondents are
directed to proceed further in the matter keeping in view
our aforesaid observations and decide the pro-rata
pensionary benefits admissible to the applicant within a
period of 4 months from the date of communication of this
order. The O.A. is allowed accordingly. No order as to
costs.


(A.B. GORATHI)
Member (A)

Dt. 23rd August, 1994.
Dictated in Open Court.

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Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. A. V. HARIDASAN: MEMBER (J)

AND

THE HON'BLE MR. A. B. GORTHI: MEMBER (A)

Dated: 23-8-94

ORDER/JUDGMENT.

M.A. / P. / C.P. NO.

J.A. NO.

763/94

J.A. NO.

(W.P. NO.)

Admitted and Interim Directions
Issued.

Allowed.

Dismissed of with directions.

Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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